



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 6254-98

20 October 1999

[REDACTED]

Dear Ma [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 30 November 1998, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Dean Pfeiffer", located to the right of the word "Sincerely,".

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1610  
MMER/PERB  
NOV 30 1998

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF MAJOR  
[REDACTED] USMC

Ref: (a) Major [REDACTED] DD Form 149 of 15 Jul 98  
(b) MCO P1610.7D w/Ch 1-2

1. Per MCO 1610.11B, the Performance Evaluation Review Board, with three members present, met on 19 November 1998 to consider Major [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 960622 to 970221 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the report is neither a correct nor true depiction of his performance during the stated period. To support his appeal, the petitioner furnishes a copy of the fitness report at issue, documentation from the command, and a letter from the Reporting Senior of record [REDACTED]

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. At the outset, the Board emphasizes that in his statement of rebuttal, the petitioner indicated that he "... was completely responsible for the condition of the aircraft assigned to VMAQ-3." Furthermore, he acknowledged the three aircraft that are the issue here were discovered to have had "serious discrepancies" upon leaving his charge.

b. Enclosure (4) to reference (a) clearly shows that the inspection report was about more than just ejection seat cartridges. All three aircraft were declared as disasters waiting to happen. Enclosure (5) to reference (a) confirms the unsatisfactory documentation of maintenance records on the aircraft concerned.

c. Notwithstanding the documentation furnished in support of reference (a), there is nothing that counters the problems cited in enclosures (4) and (5) of that document. The contents of those enclosures are part of the reason why the petitioner,

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ACTION IN THE CASE OF MAJOR

amongst seven others, was relieved for cause (to include the Commanding Officer).

d. While some of the other enclosures to reference (a) have positive documentation of VMAQ-3's combat readiness, they do not refute the specific issue of the three EA-6B aircraft that were transferred out of the Squadron and the sources of the adversity in the challenged fitness report.

e. Since Colonel [REDACTED] letter at enclosure (3) to reference (a) lacks any specificity as to what new information he now possesses or why the report is "too harsh and unjust", a member of the PERB's staff contacted him telephonically. Unfortunately, Colonel [REDACTED] could not/did not offer any detailed information and was vague, at best. The Board must conclude that the Reporting Senior has produced absolutely no documentary evidence, or other substantive justification, which would merit the requested action.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of [REDACTED]'s official military record.

5. The case is forwarded for final action.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Colonel, U.S. Marine Corps  
Deputy Director  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps